

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Case No. 06-CR-320

Plaintiff

v.

DAVID R. OLOFSON,

Defendant

NOTICE OF MOTION AND MOTION TO PROHIBIT THE GOVERNMENT FROM
INTRODUCING EVIDENCE THAT THE OLYMPIC ARMS, MODEL CAR-AR
RIFLE WAS MODIFIED TO OPERATE AS A MACHINE GUN

Plese take notice that defendant, David R. Olofson, by Rose & Rose by Christopher W. rose, his attorney, will move this court for the relief requested in the annexed motion before the Honorable J.P. Stadtmueller, U.S. District Court for the Eastern District of Wisconsin, 517 East Wisconsin Avenue, Milwaukee, Wisconsin on the 15th day of March, 2007 at 1:30 p.m. or as soon thereafter as counsel can be heard.

Dated this 13th day of March, 2007.

ROSE & ROSE
Attorneys for Defendant

s/ CHRISTOPHER W. ROSE
CHRISTOPHER W. ROSE
State Bar No. 1032478

5529-6th Avenue
Kenosha, WI 53140
262/658-8550 or 262/657-7556
Fax No. 262/658-1313

MOTION TO PROHIBIT THE GOVERNMENT FROM INTRODUCING EVIDENCE
THAT THE OLYMPIC ARMS, MODEL CAR-AR RIFLE WAS MODIFIED TO
OPERATE AS A MACHINE GUN

The defendant, David R. Olofson, by Rose & Rose by Christopher W. Rose, his attorney, moves this court for an order to prohibit the government from introducing evidence that the weapon in the above matter has been modified to operate as a machine gun due to the late disclosure by the government that a witness in its case intends to testify to the same. Nothing in the discovery materials indicates that any witness in the government's case in chief would be called to testify that the Olympic Arms, CAR-AR rifle was in any way modified to operate as a machine gun. Due to such late disclosure pursuant to Federal Rule of Criminal Procedure, Rule 16(d)(2), the Court may prohibit the parties from introducing any evidence not disclosed in its case in chief.

In the alternative, the defendant, David R. Olofson, would request a continuance in the above matter to allow the defendant's expert, Christopher Fox, an opportunity to examine the weapon in the above matter to make its own independent determination as to whether or not the weapon has in fact been modified or is malfunctioning.

Dated this 13th day of March, 2007.

ROSE & ROSE
Attorneys for Defendant

s/ CHRISTOPHER W. ROSE
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